

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

June 17, 2004

1. **INVOCATION – Councilmember Copple**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Vice Mayor Carter**
 - A. Approval of Council Meeting Minutes
 1. Formal City Council Meeting – June 3, 2004 [20040617clrkck03.pdf](#)
 2. Special City Council Meeting – June 2, 2004 [20040617clrkck01.pdf](#)
 3. Special City Council Budget Meeting – June 3, 2004 [20040617clrkck02.pdf](#)
 4. Rio Salado Community Facilities District Board – June 3, 2004
[20040617cfd01.pdf](#)
 5. Rio Salado Committee of the Whole – May 24, 2004 [20040617rscw01.pdf](#)
 6. Council Finance & Diversity Issues Committee – May 25, 2004 [20040617fdi01.pdf](#)
 7. Joint Council Finance & Diversity Committee and Tourism/Economic Development Committee Meeting – June 8, 2004 [20040617clrkck06.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 8. Aviation Commission – April 13, 2004 [20040617tavco01.pdf](#)
 9. Commission on Disability Concerns – May 18, 2004 [20040617cdc01.pdf](#)
 10. Hearing Officer – June 1, 2004 [20040617ho01.pdf](#)
 11. Historic Preservation Commission – May 6, 2004 [20040617hpc01.pdf](#)
 12. Neighborhood Advisory Commission – May 5, 2004 [20040617nac01.pdf](#)
 13. Tempe Police Public Safety Personnel Retirement Board – February 5, 2004
[20040617clrkck04.pdf](#)
 14. Tempe Police Public Safety Personnel Retirement Board – Executive Session
February 5, 2004
 15. Tempe Police Public Safety Personnel Retirement Board – May 6, 2004
[20040617clrkck05.pdf](#)

4. **REPORTS AND ANNOUNCEMENTS**

A. Mayor's Announcements

- Board/Commission Appointments [20040617BOARDS.pdf](#)
- Kids Zone Mayor's Awards
- Valley Metro Rail Award to Mayor Giuliano
- AzTA "Friend of Transit" Award to Mayor Giuliano
- 2004 Rotary River Rally Donation to Tempe Pappas School

B. Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

16. Request to set Executive Session for the City Council meeting of July 22, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

17. Request a 120-day Extension of the exclusive negotiations with College Avenue Advisors L.L.C.

DOCUMENT NAME: [20040617dsnc02.pdf](#) COMM DEV/REDEVELOPMENT ADM (0403-01)

18. Request authorization to proceed with the payment of relocation expenditures necessary for the construction of the Light Rail Transit Project.

DOCUMENT NAME: [20040617pwws02.pdf](#) RIGHT-OF-WAY ACQUISITIONS (0905)

19. Request approval to use Loper and Associates, L.L.C., for Review Appraisal work for the Light Rail Transit Project.

COMMENTS: Contract amount shall not exceed \$156,000 plus a 15% contingency.

DOCUMENT NAME: [20040617pwws01.pdf](#) **REAL PROPERTY APPRAISALS (0902-21-06)**

20. Request approval to increase contract award by \$188,666 to North American Bus Industries, Inc., for composite buses.

COMMENTS: Increase is from \$2,846,384 to \$3,035,050.

DOCUMENT NAME: [20040617fsl01.pdf](#) **PURCHASES (1004-01) #T99-202**

21. Request approval of an addendum to a professional services contract with Burgess & Niple, Inc., in an amount not to exceed \$10,200 for the Kyrene Booster Station and Pressure Zone Improvements.

DOCUMENT NAME: [20040617PWTG04.pdf](#) **WASTEWATER MANAGEMENT-WATER RECLAMATION PLANT (0812-02) PROJECT NO. 3200051**

22. Request approval of a Preliminary and Final Plat and a Horizontal Regime for Edgewater at Hayden Ferry Lakeside, condominiums located at 120 E. Rio Salado Parkway.

COMMENTS: (Hayden Ferry Lakeside, LLC, property owner) **#SBD-2004.44** for a Preliminary and Final Plat for two (2) lots and **#SHR-2004.40** for a Horizontal Regime on 1.28 net acres.

DOCUMENT NAME: [20040617dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

23. Request approval of a Preliminary and Final Subdivision Plat for Hayden Ferry Lakeside West located at 40 East Rio Salado Parkway.

COMMENTS: (Hayden Ferry Lakeside LLC, c/o SunCor /Randy Levin, property owner) **#SBD-2004.18** for a Preliminary and Final Subdivision Plat consisting of four (4) lots and three (3) tracts on 9.37 net acres.

DOCUMENT NAME: [20040617dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

24. Request approval of a Preliminary and Final Subdivision Plat for CTS/RIO SALADO located in the Sky Harbor Commerce Center at 130 S. Priest Drive.

COMMENTS: (LGE Corporation, property owner) **#SBD-2004.37** for a Preliminary and Final Subdivision Plat consisting of one (1) lot on 2.78 net acres.

DOCUMENT NAME: [20040617dssl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- 25.** Request approval of a Final Planned Area Development (P.A.D.) and 10TH Amended Preliminary P.A.D. for Centerpoint Residential located at 75 W. 5th Street..

COMMENTS: (Tempe Land Company, LLC, property owner) **#RRC04016, #SPD-2004.32**, a 10th Amended Preliminary PAD for Centerpoint Development consisting of 627,968 s.f. of existing commercial development and proposing 725,978 s.f. of additional mixed-use development including office, retail and residential. This additional development would be phased on Lot 7A to provide 714 residences within the total

1,353,946 s.f. of development on 22.04 net acres. This hearing includes the Final PAD for Centerpoint Residential Phases 1 & 2 of Lot 7A consisting of 354,468 s.f of mixed-use development containing residential, retail, office, grocery and parking on 4.79 net acres.

DOCUMENT NAME: [20040617dsdmk05.pdf](#) **PLANNED DEVELOPMENT (0406)**

26. Request approval of an Amendment to the New Markets Tax Credit Application and Program Development Agreement with Chicanos Por La Causa (CPLC).

COMMENTS: This amendment would extend the term of this Agreement from December 15, 2003 to December 15, 2005.

DOCUMENT NAME: [20040617edjs01.pdf](#) **ECONOMIC DEVELOPMENT PROGRAM (0111-03)**

27. Request approval of a Supplement to the Memorandum of Understanding between the City of Tempe and Chicanos Por La Causa.

COMMENTS: This Supplement would change the New Markets Tax Credit allocation to be shared \$10,000,000 for the City of Tempe and \$5,000,000 for Chicanos Por La Causa rather than the 80/20 split agreed to in the Memorandum of Understanding, and language was added to allow the City and Chicanos Por La Causa to work together on a mutually acceptable organizational structure to disperse the City's portion of the allocation pending adoption of a future Implementation Agreement.

DOCUMENT NAME: [20040617edjs02.pdf](#) **ECONOMIC DEVELOPMENT PROGRAM (0111-03)**

- 27a. Request approval of the renewal of the contract with ATC-Tempe for fixed route bus services for FY 2004/2005.

COMMENTS: in an amount not exceed \$14,300,000.

DOCUMENT NAME: [20040617fst02.pdf](#) **PURCHASES (1004-01) T04-017-01**

- *28. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Pitch and Toss Inc., dba Monkey Pants Bar and Grill, 3223 S. Mill Avenue.

COMMENTS: Daniel W. O'Leary, Agent

DOCUMENT NAME: [20040617LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *29. This is a public hearing for the approval of a Series 6 Bar Liquor License for J. A. Devil House, dba Devil House, 829 S. Rural Road.

COMMENTS: Justin M. Andreen, Agent

DOCUMENT NAME: [20040617LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *30. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for My Taco Mexican Food, 1813 E. Baseline Rd., #108.

COMMENTS: Juan Chavarria, Agent

DOCUMENT NAME: [20040617LIQ3.pdf](#) LIQ LIC (0210-02)

- *31. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Yupha's Thai Kitchen LLC, dba Yupha's Thai Kitchen, 1020 W. Elliot Rd., #B107-108.

COMMENTS: Yupha Dequenne, Agent

DOCUMENT NAME: [20040617LIQ4.pdf](#) LIQ LIC (0210-02)

- *32. This is a public hearing for the **denial** of a Series 7 Beer and Wine Bar Liquor License for Benjamin E. Kelley Food Systems, Inc., dba College Street Deli, 706 S. College Avenue.

COMMENTS: Benjamin E. Kelley, Agent

DOCUMENT NAME: [20040617LIQ5.pdf](#) LIQ LIC (0210-02)

- *33. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for McDonnell Restaurants Inc., dba Boeatos, 6430 S. McClintock Drive.

COMMENTS: Neil McDonnell, Agent

DOCUMENT NAME: [20040617LIQ6.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

34. Request to award a sole source contract to PeopleSoft Inc., for software maintenance of the City's Financial, Human Resources, and e-Applications systems.

COMMENTS: Total cost for this maintenance shall not exceed \$245,820 during the contract period.

DOCUMENT NAME: [20040617fst03.pdf](#) PURCHASES (1004-01) #04-131

35. Request to award a one-year contract with two (2) one-year renewal options to Hill Brothers Chemicals Co. for liquid sodium hypochlorite.

COMMENTS: Total cost for this contract shall not exceed \$696,000 during the initial contract period.

DOCUMENT NAME: [20040617fst04.pdf](#) PURCHASES (1004-01) #04-112

36. Request to award a one-year contract with two (2) one-year renewal options to American Safety Shoe Co., Industrial Shoe of Arizona, and Iron Age Corporation for safety shoes.

COMMENTS: Total cost for this contract shall not exceed \$120,000 during the initial contract period.

DOCUMENT NAME: [20040617fst05.pdf](#) PURCHASES (1004-01) #04-122

37. Request approval to award a construction contract to CPC Construction, Inc., in an

amount not to exceed \$179,300 (Base Bid plus Contingency Items 1 through 5) for the Bus Stop Improvements 2004; and approval of a professional services contract to Ricker Atkinson McBee in an amount not to exceed \$14,000 for construction administration and materials testing services.

DOCUMENT NAME: [20040617PWMG02.pdf](#) BUS BENCHES/SHELTERS/BUS BAYS (1107) PROJECT NO. 976749

38. Request to award a one-year contract with two (2) one-year renewal options to ING Employee Benefits for medical stop loss insurance.

COMMENTS: Total cost for this contract shall not exceed \$375,000 during the initial contract period.

DOCUMENT NAME: [20040617fsdl07.pdf](#) PURCHASES (1004-01) #04-118

39. Request to award a limited source contract for an annual membership to National Science Foundation – Water Quality Center ASU (NSF) for the University Water Quality Research Partnership.

COMMENTS: Total cost for this annual membership shall not exceed \$30,000 during the initial contract period.

DOCUMENT NAME: [20040617fst06.pdf](#) PURCHASES (1004-01) #04-132

40. Request to award a three-year contract with a 3-year renewal option for an educational partnership with Arizona State University and Gateway Community College.

COMMENTS: Total cost for this contract shall not exceed \$442,410 to Arizona State University and \$356,600 to Gateway Community College during the initial contract period.

DOCUMENT NAME: [20040617fsdl08.pdf](#) PURCHASES (1004-01) #04-123

41. Request to award a limited source contract to Media Network, Inc., for Economic Development advertising.

COMMENTS: Total amount of the contract shall not exceed \$40,000.

DOCUMENT NAME: [20040617fsdl09.pdf](#) PURCHASES (1004-01) #T05-001

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *42. This is the **introduction and first public hearing** authorizing the City Manager or designee to execute certain agreements and contracts. **The second public hearing is set for June 23, 2004.**

DOCUMENT NAME: [20040617cacc02.pdf](#) TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) ORDINANCE NO. 2004.26

- *43. *This is the introduction and first public hearing for a zoning change, and a*

Preliminary and a Final Planned Area Development for Tempe Marketplace, located at 2080 East Rio Salado Parkway. The second public hearing will be held on June 23, 2004.

COMMENTS: (Brad Wilde, Miravista Holdings, LLC, Vestar Development Co., property owners) #RRC04018 for a zoning change, a Preliminary PAD and a Final PAD for Phase 1, located at 2080 East Rio Salado Parkway. The following approval is requested from the City of Tempe: #ZON-2004.04 Ordinance No. 808.2004.04 A zoning change from AG, Agricultural, I-2, General Industrial, I-3, Heavy Industrial to RCC, Regional Commercial Center on 128.2 net acres. #SPD-2004.38 A Preliminary Planned Area Development consisting of 1,304,625 s.f. for retail, restaurant and office on 148 net acres, and a Final Planned area Development for Phase I, including site plan, landscape plan and building elevations, consisting of 862,366 s.f. on 128.2 net acres.

DOCUMENT NAME: [20040617dsd2k02.pdf](#) PLANNED DEVELOPMENT (0406)

D. Ordinances and Items for Second Hearing/Final Adoption

- *44. This is the **second public hearing** for the abandonment of a portion of right-of-way located within the Newberry Terrace redevelopment area.

COMMENTS: Right-of-way is known as South Terrace Road and South Newberry Lane.

DOCUMENT NAME: [20040617PWMG03.pdf](#) RIGHT OF WAY ABANDONMENT (0901) ORDINANCE NO. 2004.24

- *45. This is the **second public hearing** for a Quit Claim Deed relinquishing certain rights-of-way located within the Hayden Square Development.

DOCUMENT NAME: [20040617PWMG01.pdf](#) EASEMENT ABANDONMENT (0901) ORDINANCE NO. 2004.23

- *46. This is the **second public hearing** to adopt an ordinance establishing the Fiscal Year 2004-2005 property tax rate for the City of Tempe.

DOCUMENT NAME: [20040617fsae03.pdf](#) MISCELLANEOUS TAXES (0210-06) ORDINANCE NO. 2004.19

E. Resolutions

47. Request approval of a resolution amending the City of Tempe Medical Plan Document to reflect the addition of two medical plan options and the elimination of one existing plan option effective July 1, 2004.

DOCUMENT NAME: [20040617HRDS01.pdf](#) CITY OF TEMPE MEDICAL PLAN DOCUMENT RESOLUTION No. 2004.50

- *48. This is a public hearing and request for approval of a resolution authorizing the annual

assessments for the Downtown Tempe Enhanced Services Improvement District.

DOCUMENT NAME: [20040617dsnc01.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05)** **RESOLUTION NO. 2004.52**

49. Request approval of a resolution approving a Development Agreement with Tempe Land Company to develop property located at Fifth Street and Maple Avenue (Centerpoint Residential).

DOCUMENT NAME: [20040617casv01.pdf](#) **DEVELOPMENT PROJECT (0406)** **RESOLUTION NO. 2004.54**

50. Request approval of a resolution authorizing the Mayor to sign an Intergovernmental Agreement with the cities of Chandler, Glendale, Mesa, Peoria, Phoenix, and Scottsdale to fund a consulting agreement to study the feasibility, siting and sizing, and to conduct economic analyses of a proposed regional Granular Activated Carbon Reactivation Facility to supply carbon for water treatment plants.

DOCUMENT NAME: [20040617cacc01.pdf](#) **WATER MANAGEMENT ADMINISTRATION (0811-13)** **RESOLUTION NO. 2004.53**

51. Request the adoption of a resolution authorizing an issuance of not to exceed \$30,000,000 of Senior Living Refunding Revenue Bonds (Friendship Village Project) Series 2004 by the Industrial Development Authority (IDA) of the City of Tempe.

DOCUMENT NAME: [20040617fsjh02.pdf](#) **INDUSTRIAL DEVELOPMENT REVENUE BONDS ADM (0203-04)** **RESOLUTION NO. 2004.55**

52. Request the adoption of a resolution approving the issuance and sale by the Industrial Development Authority of the City of Tempe, Arizona, of its variable rate revenue bonds not to exceed \$36,000,000 Tax Exempt Series A (2004) and Taxable Series B (2004) to finance the acquisition, improvement and equipping of a portion of an existing mixed use office and retail building (ASUF Brickyard project) in the city for ASUF Brickyard, LLC.

DOCUMENT NAME: [20040617fsjh01.pdf](#) **INDUSTRIAL DEV REVENUE BONDS ADMIN (0203-04)** **RESOLUTION NO. 2004.56**

- 52a. Request the adoption of a resolution establishing meeting dates for the regular City Council meetings for August, September, October, November and December, 2004, and January, 2005.

DOCUMENT NAME: [20040617clrkck07.pdf](#) **COUNCIL MEETING DATES ESTABLISHED (0101-08)** **RESOLUTION NO. 2004.45**

6. NON-CONSENT AGENDA

- *53. This is the **introduction and final public hearing** to adopt an ordinance authorizing the

City Manager and other officers to execute all documents and take all actions necessary related to the City of Tempe's use of Section 108 Housing and Urban Development Loan Guarantee Program and **declaring an emergency**.

COMMENTS: City approval is needed no later than June 18, 2004 for the City to participate in Housing and Urban Development's ("HUD") fixed rate program this year. If not authorized by June 18, 2004, the City will not be able to participate in the fixed rate program until the Summer of 2005.

DOCUMENT NAME: [20040617dsnc03.pdf](#) COMM DEV/REDEVELOPMENT
ADM (0403-01) ORDINANCE NO. 2004.27

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.